



Wisconsin Department of Transportation

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August 11, 2003

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-33 (Sub-No. 189X)** Union Pacific Railroad Company—
Abandonment Exemption—In Eau Claire County, WI — Motion for Extension of Time
to Reach Agreement on a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Eau Claire's Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,

Allyn Lepeska
Allyn Lepeska
Attorney

ENTERED
Office of Proceedings

AUG 15 2003

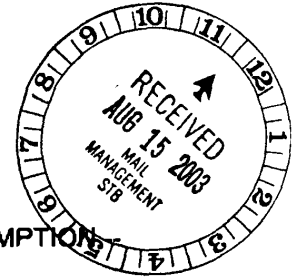
Part of
Public Record

Enclosures

pc: Vicki Schaefer
Mack H. Shumate, Jr. (via fax 312-777-2065)
Brian Admundson
Ronald Schroeder

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-NO. 189X)
UNION PACIFIC RAILROAD COMPANY – ABANDONMENT EXEMPTION
IN EAU CLAIRE COUNTY, WISCONSIN



**THE CITY OF EAU CLAIRE REQUEST FOR AN EXTENSION
OF NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On May 14, 2002, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service on a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin (the "Line"). The Line traverses U.S. Postal Service ZIP code 54703. There are no agency stations on the Line.

On June 20, 2002, the City of Eau Claire, Wisconsin (CECW) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin.

On June 20, 2002, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on

August 30, 2002, allowing the City until February 26, 2003 to negotiate a rail banking agreement with UP.

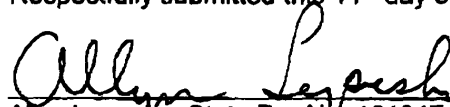
On April 3, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 10, 2003, allowing the City until August 25, 2003 to negotiate a rail banking agreement with UP.

The City and UP have had initial discussions, had some initial concerns but are now willing to continue discussions. The abandonment has not been consummated.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Eau Claire.

Respectfully submitted this 11th day of August, 2003,



Allyn Lepeska, State Bar No. 1013474
Wisconsin Department of Transportation
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(608) 266-0253
Attorney for Wisconsin Department of
Transportation

FAX TRANSMISSION REPORT

DATE: 8/15/03 NUMBER OF PAGES INCLUDING THIS PAGE: 4

PLEASE DELIVER THIS TRANSMISSION TO:

NAME: Darlene Evans

ORGANIZATION: _____

TELEPHONE NO.: _____ FAX NO.: 202-565-9004

FROM:

NAME: Allyn Lepeska
WISCONSIN DEPARTMENT OF TRANSPORTATION - OFFICE OF GENERAL COUNSEL
P.O. BOX 7910, MADISON, WI 53707-7910
PHONE: (608) 266-8810 FAX: (608) 267-6734

MESSAGE: _____

